

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

United States,

Plaintiff-Appellee,

v.

Troy Livingston,

Defendant-Appellant.

District Court No. 1:20-CR-00316-WJ-1

Court of Appeals No. 21-2108

NOTE: THIS DESIGNATION FORM MUST BE COMPLETED AND FILED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THE FORM.

Those original papers which have been designated by circling their respective docket numbers (or dates of entry) on the attached copy of the district court's docket sheets should be included in the record on appeal prepared by the clerk of the district court and transmitted to the clerk of the court of appeals. (If the district court clerk so elects, original papers may be retained in the district court and copies thereof may be included in the record on appeal.)

The following items should also be included in the record on appeal. (Portions of transcripts should be designated by hearing dates and page numbers.)

1. Complaint (ECF 1)
2. Indictment (ECF 28)
3. Information (ECF 45)
4. Plea Agreement (ECF 49)
5. Clerk's Minutes for Plea Hearing (ECF 50)
6. Presentence Investigation Report (ECF 52)
7. United States Sentencing Memorandum (ECF 64)
8. Defendant's Objection to Presentence Investigation Report (ECF 69)
9. Memorandum (ECF 70)
10. Response to Defendant's Objection to Presentence Investigation Report (ECF 72)

11. Notice of Lodging Exhibits (ECF 73)
12. Response to United States Sentencing Memorandum (ECF 74)
13. Addendum to Presentence Investigation Report (ECF 75)
14. Reply in Support of Defendant's Objections to Presentence Investigation Report (ECF 77)
15. Appendix/Supplement to Objection to Presentence Investigation Report (ECF 78)
16. Clerk's Minutes from Sentencing Hearing (ECF 79)
17. Judgment (ECF 80)
18. Notice of Appeal (ECF 81)

Respectfully submitted,

/s/ Theresa M. Duncan
THERESA M. DUNCAN
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Counsel for Troy Livingston

I hereby certify that a copy of this designation, with docket sheets attached, was served on opposing counsel and filed with the clerk of the court of appeals on September 29, 2021.

/s/ Theresa M. Duncan
Theresa M. Duncan

APPEAL

U.S. District Court
United States District Court - District of New Mexico (Albuquerque)
CRIMINAL DOCKET FOR CASE #: 1:20-cr-00316-WJ All Defendants

Case title: USA v. Livingston

Date Filed: 01/29/2020

Magistrate judge case number: 1:19-mj-00971-BPB

Date Terminated: 09/08/2021

Assigned to: Chief District Judge William
P. Johnson

Appeals court case number: 21-2108 Tenth
Circuit

Defendant (1)

Troy Livingston

TERMINATED: 09/08/2021

represented by **Theresa M Duncan**
Duncan Earnest LLC
PO Box 2769
Santa Fe, NM 87102
505-842-5196
Fax: 505-750-9780
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Mallory Margaret Gagan
Federal Public Defender
111 Lomas Blvd. NW
Suite 501
Albuquerque, NM 87102
505-346-2489
Fax: 505-346-2494
Email: mallory.gagan@fd.org
TERMINATED: 07/02/2019
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

18 USC 1153 and 1111: SECOND
DEGREE MURDER
(1s)

Disposition

SENTENCE IMPOSED: CBOP: 240
months; SUPERVISED RELEASE: 5
years with Special Conditions;
RESTITUTION: \$9,168.66; SPA: \$100;
Defendant remanded into custody

Highest Offense Level (Opening)

Felony

Terminated Counts18:1153 and 1111: First Degree Murder
(1)**Disposition****Highest Offense Level (Terminated)**

Felony

Complaints18:1111(a): Murder, 18:1153: Offenses
Committed within Indian Country**Disposition****Plaintiff**

USA

represented by **David Patrick Cowen**
 United States Attorney's Office
 P.O. Box 607
 Albuquerque, NM 87103
 505-346-6899
 Fax: 505-346-7296
 Email: david.cowen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

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ATTORNEY TO BE NOTICED
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Date Filed	#	Docket Text
04/06/2019		Arrest of Troy Livingston (kd) [1:19-mj-00971-BPB] (Entered: 04/08/2019)
04/07/2019	<u>1</u>	COMPLAINT as to Troy Livingston. (kd) [1:19-mj-00971-BPB] (Entered: 04/08/2019)
04/08/2019		Set Hearings as to Troy Livingston: Initial Appearance set for 4/8/2019 at 09:30 AM in Albuquerque - 320 Rio Grande Courtroom before Magistrate Judge Laura Fashing. (emr) [1:19-mj-00971-BPB] (Entered: 04/08/2019)

04/08/2019		Attorney update in case as to Troy Livingston. Attorney David Patrick Cowen for USA added. Attorney Kyle T Nayback terminated. (emr) [1:19-mj-00971-BPB] (Entered: 04/08/2019)
04/08/2019	<u>2</u>	Clerk's Minutes for proceedings held before Magistrate Judge Laura Fashing: Initial Appearance as to Troy Livingston held on 4/8/2019; Preliminary/Detention Hearing set for 4/9/2019 at 09:30 AM in Albuquerque - 320 Rio Grande Courtroom before Magistrate Judge Laura Fashing. (Recording Info: Rio Grande - FTR) (nm) [1:19-mj-00971-BPB] (Entered: 04/08/2019)
04/08/2019	<u>3</u>	ORAL ORDER of Temporary Detention as to Troy Livingston by Magistrate Judge Laura Fashing (nm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:19-mj-00971-BPB] (Entered: 04/08/2019)
04/08/2019	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Mallory Margaret Gagan for Troy Livingston by Magistrate Judge Laura Fashing (emr) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:19-mj-00971-BPB] (Entered: 04/08/2019)
04/09/2019	<u>6</u>	Clerk's Minutes for proceedings held before Magistrate Judge Laura Fashing: Preliminary/Detention Hearing as to Troy Livingston held on 4/9/2019 (Recording Info: Rio Grande - FTR) (nm) [1:19-mj-00971-BPB] (Entered: 04/09/2019)
04/09/2019	<u>7</u>	WAIVER of Preliminary Hearing by Troy Livingston (kd) [1:19-mj-00971-BPB] (Entered: 04/09/2019)
04/09/2019	<u>8</u>	WAIVER of Detention Hearing by Troy Livingston (kd) [1:19-mj-00971-BPB] (Entered: 04/09/2019)
04/09/2019		U.S. Probation and Pretrial Services added as interested party.(Galaz, Anthony) [1:19-mj-00971-BPB] (Entered: 04/09/2019)
04/09/2019	<u>10</u>	ORDER OF DETENTION as to Troy Livingston by Magistrate Judge Laura Fashing (nm) [1:19-mj-00971-BPB] (Entered: 04/10/2019)
04/18/2019	<u>11</u>	MOTION to Continue <i>GJ Presentment and Request for Order Tolling Speedy Trial Time Computation</i> by Troy Livingston. (Gagan, Mallory) [1:19-mj-00971-BPB] (Entered: 04/18/2019)
04/19/2019	<u>12</u>	ORDER TO CONTINUE - Ends of Justice as to Troy Livingston; Time excluded pursuant to 18:3161 by Magistrate Judge Karen B. Molzen. (eh) [1:19-mj-00971-BPB] (Entered: 04/19/2019)
06/20/2019	<u>13</u>	Second MOTION to Continue <i>GJ Presentment and Request for Order Tolling Speedy Trial Time Computation</i> by Troy Livingston. (Gagan, Mallory) [1:19-mj-00971-BPB] (Entered: 06/20/2019)
06/20/2019	<u>14</u>	ORDER TO CONTINUE - Ends of Justice as to Troy Livingston; Time excluded pursuant to 18:3161 by Magistrate Judge Jerry H. Ritter (khs) [1:19-mj-00971-BPB] (Entered: 06/21/2019)
07/02/2019	<u>15</u>	MOTION to Withdraw as Attorney by Mallory Gagan by Troy Livingston. (Gagan, Mallory) [1:19-mj-00971-BPB] (Entered: 07/02/2019)
07/02/2019	<u>16</u>	ORDER by Magistrate Judge Kirtan Khalsa granting <u>15</u> Motion to Withdraw as

		Attorney. Mallory Margaret Gagan withdrawn from case as to Troy Livingston (1) (khs) [1:19-mj-00971-BPB] (Entered: 07/02/2019)
07/05/2019	<u>17</u>	CJA 20: Appointment of Attorney Theresa M Duncan for Troy Livingston by Magistrate Judge Kirtan Khalsa (kd) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [1:19-mj-00971-BPB] (Entered: 07/05/2019)
08/27/2019	<u>18</u>	WAIVER of Minimum Time to Trial by Troy Livingston (Duncan, Theresa) [1:19-mj-00971-BPB] (Entered: 08/27/2019)
08/27/2019	<u>19</u>	Unopposed MOTION to Continue <i>Grand Jury Presentment and for Order Tolling Speedy Trial Computation</i> by Troy Livingston. (Duncan, Theresa) [1:19-mj-00971-BPB] (Entered: 08/27/2019)
09/04/2019	<u>20</u>	ORDER TO CONTINUE - Ends of Justice by Magistrate Judge Laura Fashing granting <u>19</u> Unopposed MOTION to Continue <i>Grand Jury Presentment and for Order Tolling Speedy Trial Computation</i> filed by Troy Livingston (kd) [1:19-mj-00971-BPB] (Entered: 09/04/2019)
10/10/2019	<u>21</u>	NOTICE OF ATTORNEY APPEARANCE Frederick T. Mendenhall, III appearing for USA. (Mendenhall, Frederick) [1:19-mj-00971-BPB] (Entered: 10/10/2019)
10/10/2019		Attorney update in case as to Troy Livingston. Attorney Frederick T. Mendenhall, III for USA added. (aek) [1:19-mj-00971-BPB] (Entered: 10/11/2019)
10/25/2019	<u>22</u>	Unopposed MOTION to Continue <i>Grand Jury Presentment and for Order Tolling Speedy Trial Computation</i> by Troy Livingston. (Duncan, Theresa) [1:19-mj-00971-BPB] (Entered: 10/25/2019)
10/25/2019	<u>23</u>	ORDER TO CONTINUE - Ends of Justice as to Troy Livingston; Time excluded pursuant to 18:3161 by Magistrate Judge Kirtan Khalsa (khs) [1:19-mj-00971-BPB] (Entered: 10/28/2019)
12/09/2019	<u>24</u>	Unopposed MOTION to Continue <i>MOTION to Continue Grand Jury Presentment and for Order Tolling Speedy Trial Computation</i> by Troy Livingston. (Duncan, Theresa) [1:19-mj-00971-BPB] (Entered: 12/09/2019)
12/09/2019	<u>25</u>	ORDER TO CONTINUE - Ends of Justice as to Troy Livingston Terminated document(s): <u>24</u> Unopposed MOTION to Continue <i>MOTION to Continue Grand Jury Presentment and for Order Tolling Speedy Trial Computation</i> filed by Troy Livingston by Magistrate Judge Karen B. Molzen (cl) [1:19-mj-00971-BPB] (Entered: 12/09/2019)
12/14/2019	<u>26</u>	NOTICE of Counsel's Unavailability from 12/16/19-1/1/20 by Troy Livingston (Duncan, Theresa) Modified text on 12/17/2019 (eh). [1:19-mj-00971-BPB] (Entered: 12/14/2019)
01/29/2020	<u>28</u>	REDACTED INDICTMENT as to Troy Livingston. (nm) (Entered: 01/30/2020)
01/30/2020	<u>29</u>	NOTICE OF HEARING as to Troy Livingston: Arraignment set for 2/5/2020 at 09:30 AM in Albuquerque - 320 Rio Grande Courtroom before Magistrate Judge John F. Robbenhaar. (nm) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 01/30/2020)
02/05/2020	<u>30</u>	Clerk's Minutes for proceedings held before Magistrate Judge John F. Robbenhaar:

		Arraignment as to Troy Livingston (1) Count 1 held. (Recording Info: FTR Rio Grande) (khs) (Entered: 02/05/2020)
02/05/2020	<u>31</u>	DISCOVERY ORDER as to Troy Livingston by Magistrate Judge John F. Robbenhaar (khs) (Entered: 02/05/2020)
02/12/2020	<u>32</u>	NOTICE OF HEARING as to Troy Livingston: Call of the Calendar set for 4/1/2020 at 3:00 PM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Jury Selection/Trial set for 4/6/2020 at 9:00 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. (Attachments: # <u>1</u> Supplement Trial Prep)(rwg) (Entered: 02/12/2020)
02/25/2020	<u>33</u>	NOTICE <i>PURSUANT TO FED. R. CRIM. P 12.2(b)(1)</i> by Troy Livingston (Duncan, Theresa) (Entered: 02/25/2020)
02/28/2020	<u>34</u>	NOTICE <i>OF INTENT TO OFFER EXPERT WITNESS TESTIMONY</i> by USA as to Troy Livingston (Cowen, David) (Entered: 02/28/2020)
03/23/2020	<u>35</u>	Unopposed MOTION to Continue <i>Jury Trial</i> by USA as to Troy Livingston. (Cowen, David) (Entered: 03/23/2020)
03/24/2020	<u>36</u>	ORDER SETTING FOURTH CASE-SPECIFIC FINDINGS FOR EXCLUSION OF SPEEDY TRIAL ACT TIME by Chief District Judge William P. Johnson (meq) (Entered: 03/24/2020)
03/26/2020	<u>37</u>	NOTICE OF HEARING as to Troy Livingston: Call of the Calendar set for 5/27/2020 at 3:00 PM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Jury Selection/Trial set for 6/1/2020 at 9:00 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. (Attachments: # <u>1</u> Supplement Trial Prep)(rwg) (Entered: 03/26/2020)
04/14/2020	<u>38</u>	NOTICE <i>of Intent to Offer Expert Testimony</i> by Troy Livingston (Duncan, Theresa) (Entered: 04/14/2020)
05/18/2020	<u>39</u>	Unopposed MOTION to Continue <i>Trial Setting and Related Deadlines</i> by Troy Livingston. (Duncan, Theresa) (Entered: 05/18/2020)
05/21/2020	<u>40</u>	ORDER TO CONTINUE - Ends of Justice by Chief District Judge William P. Johnson granting <u>39</u> Unopposed MOTION to Continue <i>Trial Setting and Related Deadlines</i> filed by Troy Livingston. Call of the Calendar reset for 7/29/2020 at 03:00 PM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Jury Selection/Trial reset for 8/3/2020 at 09:00 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Motion deadline is hereby extended until 6/22/20. (Attachments: # <u>1</u> Trial Prep with JERS)(meq) (Entered: 05/21/2020)
07/20/2020	<u>41</u>	Unopposed MOTION to Continue <i>Trial Setting and Related Deadlines</i> by Troy Livingston. (Duncan, Theresa) (Entered: 07/20/2020)
07/24/2020	<u>42</u>	ORDER TO CONTINUE - Ends of Justice by Chief District Judge William P. Johnson granting <u>41</u> Unopposed MOTION to Continue <i>Trial Setting and Related Deadlines</i> filed by Troy Livingston. Jury Selection/Trial reset for 9/8/2020 at 09:00 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Motion deadline is hereby extended until 8/10/20. (Attachments: # <u>1</u> Trial Prep with JERS)(meq) (Entered: 07/24/2020)

07/27/2020	43	<p>NOTICE OF HEARING as to Troy Livingston: Change of Plea Hearing set for 8/4/2020 at 01:45 PM in Remote via Zoom before Magistrate Judge Laura Fashing. (nm)</p> <p>NOTE:</p> <p>1. This proceeding will be held via Zoom Video/Web Conferencing with all participants appearing remotely; the Zoom ID and Passcode will be provided separately to the participants email address of record.</p> <p>2. Participants should connect to the proceeding 15 minutes prior its scheduled start time to allow time for trouble-shooting of any connectivity issues.</p> <p>3. To ensure the record is of the best quality participants are encouraged to utilize a headset to reduce static and background noise; if not using a headset participants must ensure the audio feed at their location is muted when not speaking.</p> <p>*** REMINDER: Recording or broadcasting of this hearing is prohibited. ***</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 07/27/2020)</p>
08/02/2020	44	NOTICE of Change of Address by Theresa M Duncan (Duncan, Theresa) (Entered: 08/02/2020)
08/04/2020	50	Clerk's Minutes for proceedings held before Magistrate Judge Laura Fashing: Plea Hearing as to Troy Livingston held on 8/4/2020; Guilty Plea entered by Troy Livingston as to Information. (Recording Info: ABQ Zoom) (nm) (Entered: 08/05/2020)
08/05/2020	45	INFORMATION as to Troy Livingston (1) count(s) 1s. (meq) (Entered: 08/05/2020)
08/05/2020	46	CONSENT TO PLEA BEFORE US MAGISTRATE JUDGE by Troy Livingston (meq) (Entered: 08/05/2020)
08/05/2020	47	WAIVER OF INDICTMENT by Troy Livingston (meq) (Entered: 08/05/2020)
08/05/2020	48	WAIVER of Personal Presence at Hearing by Troy Livingston (meq) (Entered: 08/05/2020)
08/05/2020	49	PLEA AGREEMENT as to Troy Livingston (meq) (Entered: 08/05/2020)
08/06/2020	51	<p>NOTICE OF HEARING as to Troy Livingston: Sentencing set for 11/12/2020 at 09:30 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Any pleadings in response to the Presentence Report must be timely filed in accordance with Rule 32 of the Federal Rules of Criminal Procedure. Additionally, the United States Probation Office is ordered to provide to Defense Counsel and the Assistant U.S. Attorney, upon written request, copies of documents which the USPO has used to determine Defendants prior criminal history. USPO may provide any such requested documentation via electronic mail.(rwg)</p> <p>[THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 08/06/2020)</p>
10/13/2020	52	PRESENTENCE INVESTIGATION REPORT as to Troy Livingston (Attachments: # 1

		Attachment A) Related Documents: <u>49</u> Plea Agreement (Martinez, Daniella) (Entered: 10/13/2020)
10/28/2020	<u>54</u>	Unopposed MOTION to Continue <i>Sentencing Hearing and Related Deadlines</i> by Troy Livingston. (Duncan, Theresa) (Entered: 10/28/2020)
10/29/2020	55	ORDER by Chief District Judge William P. Johnson granting <u>54</u> Unopposed Motion to Continue <i>Sentencing Hearing and Related Deadlines</i> filed by Troy Livingston. Sentencing is reset from 11/12/2020 to 2/17/2021 at 9:30 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Any responses to the Presentence Report shall be due by 1/28/21. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED. (rwg) (Entered: 10/29/2020)
01/15/2021	<u>56</u>	Unopposed MOTION to Continue <i>Feb. 17, 2021 Sentencing Hearing</i> by Troy Livingston. (Duncan, Theresa) (Entered: 01/15/2021)
01/19/2021	57	ORDER by Chief District Judge William P. Johnson granting <u>56</u> Unopposed Motion to Continue <i>Feb. 17, 2021 Sentencing Hearing</i> filed by Troy Livingston. Sentencing is reset from 2/17/2021 to 5/17/2021 at 9:30 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED. (rwg) (Entered: 01/19/2021)
04/26/2021	<u>58</u>	Unopposed MOTION to Continue <i>Sentencing Hearing and Related Deadlines</i> by Troy Livingston. (Duncan, Theresa) (Entered: 04/26/2021)
04/27/2021	59	ORDER by Chief District Judge William P. Johnson granting <u>58</u> Unopposed Motion to Continue <i>Sentencing Hearing and Related Deadlines</i> filed by Troy Livingston. Sentencing is reset from 5/17/2021 to 7/19/2021 at 2:30 PM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Any pleadings in response to the PSR shall be due 6/28/2021. Any responses shall be due 7/12/2021. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED. (rwg) (Entered: 04/27/2021)
06/17/2021	60	MINUTE ORDER by the direction of Chief District Judge William P. Johnson as to Troy Livingston: Sentencing is reset from 7/19/2021 to 8/23/2021 at 10:00 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Any pleadings in response to the PSR shall be due 7/30/2021. Any responses shall be due 8/13/2021. (rwg) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 06/17/2021)
07/13/2021	<u>61</u>	Unopposed MOTION for Order <i>pursuant to Federal Rules of Criminal Procedure 6(e)</i> by USA as to Troy Livingston. (Cowen, David) (Entered: 07/13/2021)
07/14/2021	<u>62</u>	SEALED ORDER by Chief District Judge William P. Johnson granting <u>61</u> Motion for Order Pursuant to Federal Rules of Criminal Procedure as to Troy Livingston (1) (meq) (Entered: 07/14/2021)
07/28/2021	63	MINUTE ORDER by the direction of Chief District Judge William P. Johnson as to Troy Livingston: Sentencing is reset from 8/23/2021 to 9/8/2021 at 10:30 AM in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. Any pleadings in response to the PSR shall be due by 8/18/2021. Any

		responses shall be due by 9/1/2021. (rwg) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 07/28/2021)
08/05/2021	<u>64</u>	SENTENCING MEMORANDUM by USA as to Troy Livingston (Cowen, David) (Entered: 08/05/2021)
08/12/2021	<u>65</u>	Unopposed MOTION for Extension of Time to File <i>Pleadings in Response to Presentence Report</i> by Troy Livingston. (Duncan, Theresa) (Entered: 08/12/2021)
08/17/2021	<u>66</u>	MINUTE ORDER by the direction of Chief District Judge William P. Johnson as to Troy Livingston: Sentencing is reset from 10:30 AM to 10:00 AM on 9/8/2021 in Albuquerque - 560 Cimarron Courtroom before Chief District Judge William P. Johnson. (rwg) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 08/17/2021)
08/19/2021	<u>67</u>	Unopposed MOTION to Amend/Correct <u>65</u> Unopposed MOTION for Extension of Time to File <i>Pleadings in Response to Presentence Report</i> filed by Troy Livingston by Troy Livingston. (Duncan, Theresa) (Entered: 08/19/2021)
08/21/2021	<u>68</u>	ORDER by Chief District Judge William P. Johnson granting <u>67</u> Amended Unopposed Motion for Extension of Time to File <i>Pleadings in Response to Presentence Report</i> filed by Troy Livingston. Defendant shall have until 8/23/21 to file pleadings in response to the Presentence Report. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED. (rwg) (Entered: 08/21/2021)
08/23/2021	<u>69</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Troy Livingston <i>Objections to Presentence Investigation Report and Request for Downward Departure or Variance</i> (Attachments: # <u>1</u> Exhibit A - Troy Livingston statement to law enforcement, # <u>2</u> Exhibit B - Toxicology Report, # <u>3</u> Exhibit C - Gertrude Livingston statement, # <u>4</u> Exhibit D - 911 Call Logs, # <u>5</u> Exhibit E - Gertrude Livingston statement, # <u>6</u> Exhibit F - Grand Jury Transcript, # <u>7</u> Exhibit G - Forensic Psychology Report, # <u>8</u> Exhibit H - Certificate of Completion, # <u>9</u> Exhibit I - Certificate of Completion, # <u>10</u> Exhibit J - Certificate of Completion, # <u>11</u> Exhibit K - Certificate of Completion, # <u>12</u> Exhibit L - Certificates of Completion - Letter re Educational Programs, # <u>13</u> Exhibit M - Certificate of Completion, # <u>14</u> Exhibit N - Troy Livingston artwork)(Duncan, Theresa) (Entered: 08/23/2021)
08/30/2021	<u>70</u>	MEMORANDUM as to Troy Livingston (Attachments: # <u>1</u> Attachment A) Related Documents: <u>52</u> PSR - Presentence Report (Martinez, Daniella) (Entered: 08/30/2021)
08/30/2021	<u>72</u>	RESPONSE by USA as to Troy Livingston re <u>69</u> Objection to Presentence Investigation Report,,, (Cowen, David) (Entered: 08/30/2021)
08/31/2021	<u>73</u>	NOTICE of Lodging Exhibits by USA as to Troy Livingston re <u>64</u> Sentencing Memorandum, <u>72</u> Response (Cowen, David) (Entered: 08/31/2021)
09/01/2021	<u>74</u>	RESPONSE by Troy Livingston re <u>64</u> Sentencing Memorandum (Attachments: # <u>1</u> Exhibit O - Pages from OMI report, # <u>2</u> Exhibit P - Troy Booking Informatio)(Duncan, Theresa) (Entered: 09/01/2021)
09/02/2021	<u>75</u>	ADDENDUM TO PRESENTENCE INVESTIGATION REPORT as to Troy

		Livingston (Attachments: # <u>1</u> Receipts)
		Related Documents: <u>52</u> PSR - Presentence Report (Martinez, Daniella) (Entered: 09/02/2021)
09/04/2021	<u>77</u>	REPLY by Troy Livingston re <u>69</u> Objection to Presentence Investigation Report,,, <u>72</u> Response (Attachments: # <u>1</u> Exhibit Q - Photographs of house, # <u>2</u> Exhibit R - Report of Troy's Arrest)(Duncan, Theresa) (Entered: 09/04/2021)
09/04/2021	<u>78</u>	APPENDIX/SUPPLEMENT re <u>69</u> Objection to Presentence Investigation Report,,, (Attachments: # <u>1</u> Exhibit S - Letter from Troy Livingston, # <u>2</u> Exhibit T - Letter from Gertrude Livingston, # <u>3</u> Exhibit U - Letter from Nicole Livingston, # <u>4</u> Exhibit V - Troy Livingston artwork)(Duncan, Theresa) (Entered: 09/04/2021)
09/08/2021	<u>79</u>	Clerk's Minutes for proceedings held before Chief District Judge William P. Johnson: Sentencing held on 9/8/2021 for Troy Livingston (1), Count(s) 1s, SENTENCE IMPOSED: CBOP: 240 months; SUPERVISED RELEASE: 5 years with Special Conditions; RESTITUTION: \$9,168.66; SPA: \$100; Defendant remanded into custody. (Court Reporter: M. Loughran) (cmm) (Entered: 09/10/2021)
09/13/2021	<u>80</u>	JUDGMENT as to Troy Livingston by Chief District Judge William P. Johnson. (rwg) (Entered: 09/13/2021)
09/20/2021	<u>81</u>	NOTICE OF APPEAL by Troy Livingston re <u>80</u> Judgment (Filing Fee - Waived) (Duncan, Theresa) (Entered: 09/20/2021)
09/21/2021	<u>82</u>	Transmission of Preliminary Record as to Troy Livingston to US Court of Appeals re <u>81</u> Notice of Appeal - Final Judgment. (Attachments: # <u>1</u> Exhibit Preliminary Record) (cmm) (Entered: 09/21/2021)
09/22/2021	<u>83</u>	USCA Information Letter with Case Number as to Troy Livingston 21-2108 for <u>81</u> Notice of Appeal - Final Judgment filed by Troy Livingston. (cmm) (Entered: 09/22/2021)

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